

REMARKS/ARGUEMENTS

Initially, it should be noted that an oral hearing is scheduled with examiner Bui on December 5, 2005 with the undersigned and a representative of the Assignee Schwan-STABILO Schwanhausser GmbH & Co. KG. It is the intention of the undersigned to present to the examiner at the above noted oral hearing samples of the receptacle of the present invention and discuss with the examiner both the rejection under 35 U.S.C. 112, first and the prior art rejections set forth in paragraphs 5 and 7 of the outstanding office action.

With regard to the rejection under 35 U.S.C. 112, first paragraph, the examiner's attention is drawn to original claim 1 as filed in the instant application. It is believed that claim 1 which includes the reference numerals of the elements of the receptacle clearly describes how the unfolded sheet of the receptacle of Figure 1 is folded to obtain the gap 52 as shown in figures 3-5 of the instant application. In this regard the examiner's attention is drawn to paragraph [0039] of the Substitute Specification which discusses the "folding" to obtain the construction of Figure 3. In this regard see also paragraphs [0041], [0042] and [0043]. It is submitted that the instant application complies with 35 U.S.C. 112, first paragraph.

With regard to the rejection of independent claim 20 under

35 U.S.C. 102 (b) as being anticipated by U.S. Patent 2,726,803, Applicant respectfully requests the examiner to reconsider this rejection for the reasons set forth hereinbelow. In the structure of the '803 patent the portions 16 are not bent towards each other but actually fit into slots provided in the end plate 23. The end plate 23 forming the bottom of the receptacle. This is not the case in the present invention. Claim 1 sets forth that the first and second connecting portions each have end portions bent toward the other connecting portion. Accordingly, the structure of the '803 patent does not anticipate independent claim 20. Accordingly, independent claim 20 and the claims which depend therefrom patentably define over U.S. Patent 2,726,803.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.


It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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By



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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on November 30, 2005.

